

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARCO CASTELLAR,

Petitioner,

— against —

FEDERAL BUREAU OF PRISONS,

Respondent.

TOWNES, United States District Judge:

On May 29, 2009, this Court issued a Memorandum & Order rejecting petitioner's challenge to the length of his sentence reduction pursuant to 18 U.S.C. § 3621(e)(2)(B), which authorizes the Bureau of Prisons to grant sentence reductions of up to one year for nonviolent offenders as an incentive for completion of a drug treatment program. On June 8, 2009, petitioner filed a motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e), arguing that the Court incorrectly found that the delay in petitioner's admission to the Residential Drug Abuse Program did not violate the Due Process Clause by reducing the maximum possible sentence reduction. In a Memorandum & Order of June 12, 2009, this Court denied the motion for reconsideration. On July 9, 2009, petitioner brought a motion pursuant to Rule 60(b) seeking relief from the judgment on the ground that this Court lacked jurisdiction to adjudicate the petition and seeking a transfer to the Southern District of New York. In a Memorandum & Order of July 20, 2009, this Court denied the motion.

Petitioner now brings a second motion pursuant to Rule 59(e). Petitioner's sole

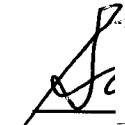
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argument, however, was thoroughly treated and resolved in the Memorandum & Order of July 20, 2009, and, as a result, the instant motion is denied.

SO ORDERED.

Dated: Brooklyn, New York
July 20 2009



SANDRA L. TOWNES
United States District Judge